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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

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DEPUTY

ORIGINAL

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Attorneys for Plaintiff

8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
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12  
13 A. J. OLIVER,

14 Plaintiff,

15 vs.

16 LONGS DRUG STORES  
17 CALIFORNIA, INC. dba LONGS  
18 DRUGS STORE #055; LONGS  
19 DRUG STORE, INC.,

20 Defendants.  
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'07 CV 2302 IEG (BLM)

No.

Plaintiff's Complaint

*OK*  
*Oliver v. Longs Drugs Store*  
Plaintiff's Complaint

I. SUMMARY

1. This is a civil rights action by plaintiff A. J. Oliver ("Oliver") for discrimination at the building, structure, facility, complex, property, land, development, and/or surrounding business complex known as:

Longs Drugs Store #055  
880 3rd Avenue  
Chula Vista, CA 91911  
(hereafter "the Store")

2. Oliver seeks damages, injunctive and declaratory relief, attorney fees and costs, against Longs Drug Stores California, Inc. dba Longs Drugs Store #055 and Longs Drug Store, Inc. (collectively "Longs Drugs Store") pursuant to the Americans with Disabilities Act of 1990, ( 42 U.S.C. §§ 12101 et seq.), and related California statutes.

II. JURISDICTION

3. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1343 for ADA claims.

4. Supplemental jurisdiction for claims brought under parallel California law—arising from the same nucleus of operative facts—is predicated on 28 U.S.C. § 1367.

5. Oliver's claims are authorized by 28 U.S.C. §§ 2201 and 2202.

III. VENUE

6. All actions complained of herein take place within the jurisdiction of the United States District Court, Southern District of California, and venue is invoked pursuant to 28 U.S.C. § 1391(b), (c).

IV. PARTIES

7. Longs Drugs Store owns, operates, or leases the Store, and consists of a person (or persons), firm(s), or corporation(s).

8. Oliver suffered a stroke approximately 13 years ago. The stroke left him paralyzed, speech impaired, and unable to stand or walk. Oliver requires the use of a motorized wheelchair when traveling about in public. Consequently, Oliver is “physically disabled,” as defined by all applicable California and United States laws, and a member of the public whose rights are protected by these laws.

## V. FACTS

9. The Store is a sales or retail establishment, open to the public, which is intended for nonresidential use and whose operation affects commerce.

10. Oliver visited the Store and encountered barriers (both physical and intangible) that interfered with—if not outright denied—his ability to use and enjoy the goods, services, privileges, and accommodations offered at the facility. To the extent known by Oliver, the barriers at the Longs Drugs Store included, but are not limited to, the following:

- All of the signage in the parking lot uses the term “handicapped;”
- The tow away signage is not correct;
- The ramp leading to the sidewalk encroaches into the access aisle causing the slope and cross slope of the aisle to be too steep;
- There is no parking space designated as “van accessible;”
- The ISA painted on the pavement in the accessible parking stalls is not the correct size;
- The access aisles are not outlined in white, nor do they contain the painted words “NO PARKING;”
- The International Symbol of Accessibility (“ISA”) at the entrance is not mounted in the correct location, nor at the correct height;
- There is no accessible check stand;
- The restroom requires a key to access;
- The restroom door requires too much force to operate;

- 1 • The restroom door requires twisting and grasping to open;
- 2 • The side grab bar is not 12 inches from the back wall;
- 3 • The disposable seat cover dispenser is mounted more than 40
- 4 inches from the floor;
- 5 • The disposable seat cover dispenser is mounted over the back grab
- 6 bar, causing it to be out of the required reach ranges;
- 7 • The toilet tissue dispenser protrudes into the clear floor space
- 8 needed at the water closet;
- 9 • The pipes underneath the lavatory are not completely wrapped to
- 10 prevent burns;
- 11 • The trash receptacle encroaches into the clear floor space needed at
- 12 the lavatory;
- 13 • The controls on the lavatory require twisting and grasping to
- 14 operate;
- 15 • The mirror is mounted more than 40 inches from the floor;
- 16 • The operable part of the soap dispenser is mounted more than 40
- 17 inches from the floor;
- 18 • The lavatory encroaches into the clear floor space needed to access
- 19 the paper towel dispenser; and,
- 20 • The operable part of the paper towel dispenser is mounted more
- 21 than 40 inches from the floor.

22 These barriers prevented Oliver from enjoying full and equal access.

23 11. Oliver was also deterred from visiting the Store because he knew  
24 that the Store's goods, services, facilities, privileges, advantages, and  
25 accommodations were unavailable to physically disabled patrons (such as  
26 himself). He continues to be deterred from visiting the Store because of the  
27 future threats of injury created by these barriers.

1        12. Oliver also encountered barriers at the Store, which violate state  
2 and federal law, but were unrelated to his disability. Nothing within this  
3 Complaint, however, should be construed as an allegation that Oliver is seeking  
4 to remove barriers unrelated to his disability.

5        13. Longs Drugs Store knew that these elements and areas of the Store  
6 were inaccessible, violate state and federal law, and interfere with (or deny)  
7 access to the physically disabled. Moreover, Longs Drugs Store has the  
8 financial resources to remove these barriers from the Store (without much  
9 difficulty or expense), and make the facility accessible to the physically  
10 disabled. To date, however, Longs Drugs Store refuses to either remove those  
11 barriers or seek an unreasonable hardship exemption to excuse non-compliance.

12        14. At all relevant times, Longs Drugs Store has possessed and enjoyed  
13 sufficient control and authority to modify the subject property to remove  
14 impediments to wheelchair access and to comply with the Americans with  
15 Disabilities Act Accessibility Guidelines and Title 24 regulations. Longs Drugs  
16 Store has not removed such impediments and has not modified the subject  
17 property to conform to accessibility standards. Longs Drugs Store has  
18 intentionally maintained the subject property in its current condition and has  
19 intentionally refrained from altering the subject property so that it complies with  
20 the accessibility standards.

21        15. Oliver further alleges that the (continued) presence of barriers at  
22 the facility is so obvious as to establish Longs Drugs Store's discriminatory  
23 intent.<sup>1</sup> On information and belief, Oliver avers that evidence of this  
24 discriminatory intent includes Longs Drugs Store's refusal to adhere to relevant  
25 building standards; disregard for the building plans and permits issued for the  
26 facility; conscientious decision to the architectural layout (as it currently exists)

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<sup>1</sup> E.g., *Gunther v. Lin*, 144 Cal.App.4th 223, fn. 6  
*Oliver v. Longs Drugs Store*  
Plaintiff's Complaint

1 at the facility; decision not to remove barriers from the facility; and allowance  
 2 that Longs Drugs Store's property continues to exist in its non-compliant state.  
 3 Oliver further alleges, on information and belief, that Longs Drugs Store are not  
 4 in the midst of a remodel, and that the barriers present at the facility is not  
 5 isolated (or temporary) interruptions in access due to maintenance or repairs.<sup>2</sup>

## 6 VI. FIRST CLAIM

### 7 Americans with Disabilities Act of 1990

#### 8 Denial of "Full and Equal" Enjoyment and Use

9 16. Oliver incorporates the allegations contained in paragraphs 1  
 10 through 15 for this claim.

11 17. Title III of the ADA holds as a "general rule" that no individual  
 12 shall be discriminated against on the basis of disability in the full and equal  
 13 enjoyment (or use) of goods, services, facilities, privileges, and  
 14 accommodations offered by any person who owns, operates, or leases a place of  
 15 public accommodation. 42 U.S.C. § 12182(a).

16 18. Longs Drugs Store discriminated against Oliver by denying "full  
 17 and equal enjoyment" and use of the goods, services, facilities, privileges or  
 18 accommodations of the Store during each visit and each incident of deterrence.

#### 19 Failure to Remove Architectural Barriers in an Existing Facility

20 19. The ADA specifically prohibits failing to remove architectural  
 21 barriers, which are structural in nature, in existing facilities where such removal  
 22 is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv). The term "readily  
 23 achievable" is defined as "easily accomplishable and able to be carried out  
 24 without much difficulty or expense." *Id.* § 12181(9).

25 20. When an entity can demonstrate that removal of a barrier is not  
 26 readily achievable, a failure to make goods, services, facilities, or  
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28 <sup>2</sup> *Id.*; 28 C.F.R. § 36.211(b)  
*Oliver v. Longs Drugs Store*  
 Plaintiff's Complaint

1 accommodations available through alternative methods is also specifically  
2 prohibited if these methods are readily achievable. Id. § 12182(b)(2)(A)(v).

3 21. Here, Oliver alleges that Longs Drugs Store can easily remove the  
4 architectural barriers at the Store without much difficulty or expense, and that  
5 Longs Drugs Store violated the ADA by failing to remove those barriers, when  
6 it was readily achievable to do so.

7 22. In the alternative, if it was not “readily achievable” for Longs  
8 Drugs Store to remove the Store’s barriers, then Longs Drugs Store violated the  
9 ADA by failing to make the required services available through alternative  
10 methods, which are readily achievable.

11 Failure to Design and Construct an Accessible Facility

12 23. On information and belief, the Store was designed or constructed  
13 (or both) after January 26, 1992—independently triggering access requirements  
14 under Title III of the ADA.

15 24. The ADA also prohibits designing and constructing facilities for  
16 first occupancy after January 26, 1993, that aren’t readily accessible to, and  
17 usable by, individuals with disabilities when it was structurally practicable to do  
18 so. 42 U.S.C. § 12183(a)(1).

19 25. Here, Longs Drugs Store violated the ADA by designing or  
20 constructing (or both) the Store in a manner that was not readily accessible to  
21 the physically disabled public—including Oliver—when it was structurally  
22 practical to do so.<sup>3</sup>

23 Failure to Make an Altered Facility Accessible

24 26. On information and belief, the Store was modified after January 26,  
25 1992, independently triggering access requirements under the ADA.

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28 <sup>3</sup> Nothing within this Complaint should be construed as an allegation that plaintiff is bringing this action  
as a private attorney general under either state or federal statutes.



1        27. The ADA also requires that facilities altered in a manner that  
2 affects (or could affect) its usability must be made readily accessible to  
3 individuals with disabilities to the maximum extent feasible. 42 U.S.C. §  
4 12183(a)(2). Altering an area that contains a facility's primary function also  
5 requires adding making the paths of travel, bathrooms, telephones, and drinking  
6 fountains serving that area accessible to the maximum extent feasible. Id.

7        28. Here, Longs Drugs Store altered the Store in a manner that violated  
8 the ADA and was not readily accessible to the physically disabled public—  
9 including Oliver—to the maximum extent feasible.

10                    Failure to Modify Existing Policies and Procedures

11        29. The ADA also requires reasonable modifications in policies,  
12 practices, or procedures, when necessary to afford such goods, services,  
13 facilities, or accommodations to individuals with disabilities, unless the entity  
14 can demonstrate that making such modifications would fundamentally alter their  
15 nature. 42 U.S.C. § 12182(b)(2)(A)(ii).

16        30. Here, Longs Drugs Store violated the ADA by failing to make  
17 reasonable modifications in policies, practices, or procedures at the Store, when  
18 these modifications were necessary to afford (and would not fundamentally alter  
19 the nature of) these goods, services, facilities, or accommodations.

20        31. Oliver seeks all relief available under the ADA (*i.e.*, injunctive  
21 relief, attorney fees, costs, legal expense) for these aforementioned violations.  
22 42 U.S.C. § 12205.

23        32. Oliver also seeks a finding from this Court (*i.e.*, declaratory relief)  
24 that Longs Drugs Store violated the ADA in order to pursue damages under  
25 California's Unruh Civil Rights Act or Disabled Persons Act.

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## VII. SECOND CLAIM

**Disabled Persons Act**

33. Oliver incorporates the allegations contained in paragraphs 1 through 30 for this claim.

34. California Civil Code § 54 states, in part, that: Individuals with disabilities have the same right as the general public to the full and free use of the streets, sidewalks, walkways, public buildings and facilities, and other public places.

35. California Civil Code § 54.1 also states, in part, that: Individuals with disabilities shall be entitled to full and equal access to accommodations, facilities, telephone facilities, places of public accommodation, and other places to which the general public is invited.

36. Both sections specifically incorporate (by reference) an individual's rights under the ADA. See Civil Code §§ 54(c) and 54.1(d).

37. Here, Longs Drugs Store discriminated against the physically disabled public—including Oliver—by denying them full and equal access to the Store. Longs Drugs Store also violated Oliver's rights under the ADA, and, therefore, infringed upon or violated (or both) Oliver's rights under the Disabled Persons Act.

38. For each offense of the Disabled Persons Act, Oliver seeks actual damages (both general and special damages), statutory minimum damages of one thousand dollars (\$1,000), declaratory relief, and any other remedy available under California Civil Code § 54.3.

39. He also seeks to enjoin Longs Drugs Store from violating the Disabled Persons Act (and ADA) under California Civil Code § 55, and to recover reasonable attorneys' fees and incurred under California Civil Code §§ 54.3 and 55.

VIII. THIRD CLAIM

**Unruh Civil Rights Act**

40. Oliver incorporates the allegations contained in paragraphs 1 through 30 for this claim.

41. California Civil Code § 51 states, in part, that: All persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

42. California Civil Code § 51.5 also states, in part, that: No business establishment of any kind whatsoever shall discriminate against any person in this state because of the disability of the person.

43. California Civil Code § 51(f) specifically incorporates (by reference) an individual's rights under the ADA into the Unruh Act.

44. Longs Drugs Store's aforementioned acts and omissions denied the physically disabled public—including Oliver—full and equal accommodations, advantages, facilities, privileges and services in a business establishment (because of their physical disability).

45. These acts and omissions (including the ones that violate the ADA) denied, aided or incited a denial, or discriminated against Oliver by violating the Unruh Act.

46. Oliver was damaged by Longs Drugs Store's wrongful conduct, and seeks statutory minimum damages of four thousand dollars (\$4,000) for each offense.

47. Oliver also seeks to enjoin Longs Drugs Store from violating the Unruh Act (and ADA), and recover reasonable attorneys' fees and costs incurred under California Civil Code § 52(a).

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IX. FOURTH CLAIM

**Denial of Full and Equal Access to Public Facilities**

48. Oliver incorporates the allegations contained in paragraphs 1 through 13 for this claim.

49. Health and Safety Code § 19955(a) states, in part, that: California public accommodations or facilities (built with private funds) shall adhere to the provisions of Government Code § 4450.

50. Health and Safety Code § 19959 states, in part, that: Every existing (non-exempt) public accommodation constructed prior to July 1, 1970, which is altered or structurally repaired, is required to comply with this chapter.

51. Oliver alleges the Store is a public accommodation constructed, altered, or repaired in a manner that violates Part 5.5 of the Health and Safety Code or Government Code § 4450 (or both), and that the Store was not exempt under Health and Safety Code § 19956.

52. Longs Drugs Store's non-compliance with these requirements at the Store aggrieved (or potentially aggrieved) Oliver and other persons with physical disabilities. Accordingly, he seeks injunctive relief and attorney fees pursuant to Health and Safety Code § 19953.

X. PRAYER FOR RELIEF

WHEREFORE, Oliver prays judgment against Longs Drugs Store for:

1. Injunctive relief, preventive relief, or any other relief the Court deems proper.
2. Declaratory relief that Longs Drugs Store violated the ADA for the purposes of Unruh Act or Disabled Persons Act damages.
3. Statutory minimum damages under either sections 52(a) or 54.3(a) of the California Civil Code (but not both) according to proof.

1 4. Attorneys' fees, litigation expenses, and costs of suit.<sup>4</sup>

2 5. Interest at the legal rate from the date of the filing of this action.

3  
4 DATED: December 6, 2007

LAW OFFICES OF LYNN HUBBARD

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7 LYNN HUBBARD, III

8 Attorney for Plaintiff, A.J. Oliver  
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<sup>4</sup> This includes attorneys' fees under California Code of Civil Procedure § 1021.5.  
*Oliver v. Longs Drugs Store*  
Plaintiff's Complaint

## CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

A.J. OLIVER

(b) County of Residence of First Listed Plaintiff SAN DIEGO  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

LAW OFFICES OF LYNN HUBBARD (530) 895-3252  
12 WILLIAMSBURG LANE CHICO, CA 95926

## DEFENDANTS

LONGS DRUG STORES CALIFORNIA, INC. d/b/a LONGS  
DRUGS STORE #055; LONGS DRUG STORE, CHICO, CALIFORNIA

County of Residence of First Listed Defendant San Diego

(IN U.S. PLAINTIFF CASES ONLY)

DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

07 CV 2302 IE (BLM)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act (Excl. Veterans) <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. Section 12101, et seq.

Brief description of cause:  
Ongoing violations of the ADA Construction Standards

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$  
Excess of \$75,000

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER Excess of \$75,000

DATE  
12/06/2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

145289

AMOUNT

350.

APPLYING IFP

JUDGE

MAG. JUDGE

12/7/07

mm

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 145289 - SR**  
**\* \* C O P Y \* \***  
**December 07, 2007**  
**16:04:10**

**Civ Fil Non-Pris**

USAO #: 07CV2302 CIV. FIL.

Judge... IRMA E GONZALEZ

Amount.: \$350.00 CK

Check#: BC#20521

**Total-> \$350.00**

FROM: OLIVER V. LONGS DRUGS  
CIVIL FILING